

## Goodfellow, Bob

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**From:** Ruhl, Christopher  
**Sent:** Friday, April 19, 2013 2:38 PM  
**To:** Goodfellow, Bob  
**Subject:** RE: ACTION: Washington Post on DEADLINE NOW

Remind me what the retail sales exemption is

Chris Ruhl  
USEPA Region 6  
Oil Team Leader  
Federal On-Scene Coordinator  
(214) 665-7356 office

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**From:** Goodfellow, Bob  
**Sent:** Friday, April 19, 2013 2:37 PM  
**To:** Ruhl, Christopher  
**Subject:** RE: ACTION: Washington Post on DEADLINE NOW

As best I can tell, Adair Grain owns West Fertilizer. They may operate a grain elevator under the Adair name, but I doubt seriously that an elevator company would have any exposure under RMP.

I think the Level 2/3 issue has been put to be Craig asked about it and I told him retail sales exemption.

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**From:** Ruhl, Christopher  
**Sent:** Friday, April 19, 2013 2:23 PM  
**To:** Goodfellow, Bob  
**Subject:** Fw: ACTION: Washington Post on DEADLINE NOW

can you work these up...

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**From:** Fitz-James, Schatzi  
**Sent:** Friday, April 19, 2013 2:14:18 PM  
**To:** Webster, Susan; Petersen, Chris; Ruhl, Christopher  
**Cc:** EOC EPAHQ; Irizarry, Gilberto; Boynton, Lisa  
**Subject:** FW: ACTION: Washington Post on DEADLINE NOW

Susan, Chris and Chris:  
Please see the request from the Washington Post re: an RMP for Adair-Green. Craig/Kim or their staff may have already contacted you re: this request.  
Schatzi

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**From:** Stanton, Larry  
**Sent:** Friday, April 19, 2013 3:03 PM  
**To:** Fitz-James, Schatzi  
**Subject:** Fw: ACTION: Washington Post on DEADLINE NOW

Let's get this to R6

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**From:** Cohen, Nancy  
**Sent:** Friday, April 19, 2013 2:54:47 PM

**To:** Jennings, Kim; Matthiessen, Craig; Vanroden, Victoria  
**Cc:** Stanton, Larry; Tulis, Dana; Minter, Marsha; Bassler, Rachel; Deitz, Randy  
**Subject:** ACTION: Washington Post on DEADLINE NOW

All: can we answer this for the Wash Post? Thanks, nancy

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**From:** Johnson, Alisha  
**Sent:** Friday, April 19, 2013 2:48 PM  
**To:** Guitar, Christine; Gray, David; Cohen, Nancy  
**Cc:** Rivas-Vazquez, Victoria  
**Subject:** RE: EPA Statement

Anything on these?

Also, Steve Stromberg at the Washington Post called and is on an immediate deadline. Is trying to find out if we have an RMP from Adair Grain, which is apparently co-located at the site with West Chemical. Can we find this out?

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**From:** Guitar, Christine  
**Sent:** Friday, April 19, 2013 12:48 PM  
**To:** Johnson, Alisha; Gray, David; Cohen, Nancy  
**Cc:** Rivas-Vazquez, Victoria  
**Subject:** Re: EPA Statement

Sent to our technical folks. Will let you know.

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**From:** Johnson, Alisha  
**Sent:** Friday, April 19, 2013 12:41:51 PM  
**To:** Gray, David; Guitar, Christine; Cohen, Nancy  
**Cc:** Rivas-Vazquez, Victoria  
**Subject:** FW: EPA Statement

Additional Qs. Are these Qs we can answer?

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**From:** Hamby, Chris [<mailto:chamby@publicintegrity.org>]  
**Sent:** Friday, April 19, 2013 12:40 PM  
**To:** Johnson, Alisha  
**Subject:** RE: EPA Statement

Alisha,

Thank you, but this does not address the key questions that I had.

- Why was this facility RMP level 2 and not level 3?
- What did EPA do to verify that it met the standards for qualifying as RMP 2 and not RMP 3?
- Was the site claiming a retail exemption under RMP or EPCRA? If so, what was done to verify that this was legitimate?
- It appears that this issue came up at a March 22, 2012, Senate Environment & Public Works Committee hearing. Is the EPA attempting to close the exemption for Ag Retailers under EPCRA (or any other statute), and does this include West Fertilizer?

Chris Hamby

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**From:** Johnson, Alisha [<mailto:Johnson.Alisha@epa.gov>]  
**Sent:** Friday, April 19, 2013 12:32 PM

**To:** Hamby, Chris  
**Subject:** EPA Statement

EPA conducted an inspection of the Risk Management Plan at West Chemical and Fertilizer on March 16, 2006, and found a number of deficiencies. EPA fined the facility \$2,300 on August 14, 2006, and directed the company to correct the deficiencies. The company certified they corrected the deficiencies. The facility, which is required by law to submit an updated plan at least every five years, submitted an updated plan in 2011.

The deficiencies identified by inspectors in 2006 included:

- Failure to update its RMP in a timely manner. The update was due in 2004, but wasn't updated until 2006.
- Failure to document that hazards identified in the hazard review had been addressed.
- Operating procedures failed to address consequences of deviation.
- Poor employee training records.
- The company had not developed a formal written maintenance program.

The West Chemical and Fertilizer facility is subject to the Chemical Accident Prevention provisions at 40 CFR Part 68 because the quantity of ammonia on-site exceeds 10,000 lbs. It has not had a major accident in the last five-years.

Current Status:

At the request of the state, and in coordination with FEMA and other federal agencies, EPA's Region 6 has deployed 2 OSCs, 8 contractors and the mobile command post to the site. Additional on-scene coordinators and contractors are on standby. Air monitoring will be conducted. The OSCs will coordinate with TCEQ and multiple state and local partners on the response.